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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,313	01/29/2004	Denton Jackson III	P00020	5487
7590	07/13/2005		EXAMINER	
Charles F. Rye Suite 400 8 South Third Street Memphis, TN 38103			NGUYEN, PHUONGCHI T	
			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

4/5

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/767,313	JACKSON, DENTON
	Examiner Phuongchi Nguyen	Art Unit 2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 6-11 is/are allowed.  
 6) Claim(s) 1-2 and 4 is/are rejected.  
 7) Claim(s) 3 and 5 is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 29 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. Applicant's Remarks of April 22, 2005 is acknowledged.

### *Claim Objections*

2. Claim 1 is objected to because of the following informalities:

Claim 1, line 10, "to aperture one" should be changed to -- to the first aperture -- .

Claim 1, line 11, "to aperture two" should be changed to -- to the second aperture -- ..

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by P.S.Ramos (US2650286).

In regarding to claim 1, P.S.Ramos discloses (figure 5) a bracket assembly comprising a lifting ring (adjacent 17) defining a first aperture (17) of a predetermined diameter to receive the (electrical) manipulating means (32); a rigid region (adjacent 24) radially extending from the lifting ring (adjacent 17), the rigid region (adjacent 24) having a second aperture (24) disposed there through, wherein the second aperture (24) is adapted to receive a mounting means (26); the lifting ring (adjacent 17) and rigid region (adjacent 24) forming a unitarily formed body; and the rigid region (adjacent 17) proximate to the first aperture (17) at a first end (of 17) and the rigid region (adjacent 24) proximate to the second aperture (24) at a second end (of 24) and the rigid region (adjacent 24) between the first end (of 17) and the second end (of 24) forms a middle area (23).

Regarding to the limitation, "for accommodating a manipulating mean for lifting a hot line grounding set and positioning the clamps on a power line or other conductor" and "to rigidly attach the mounting bracket to the cable clamped", the recitation that has been given very little

patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478 (CCPA 1951).

In regarding to claim 2, P.S. Ramos discloses (figure 1) the bracket assembly wherein the body's middle area (23) is generally parallel to the first end (of 17) and the second end (of 24).

In regarding to claim 4, P.S. Ramos further discloses (figure 5) the bracket assembly wherein the middle area (23) is further formed generally on a second reference axis, generally in the center of the middle area (23) and generally perpendicular to the first reference axis.

#### *Allowable Subject Matter*

5. Claims 6-11 are allowed.
6. Claims 3 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Reponses to Arguments*

7. Regarding claim 1, Applicant argues that “Receptacle 17 must be resilient, ... one major point of Ramos’s novelty is the surrounding eyelet 28 to prevent permanent deformation (Ramos col.1 line 26). Ramos does not address any load bearing properties of the mounting tongue 23 as Jackson describes that area as rigid” is not deemed persuasive. Receptacle of Ramos is provided with a longitudinal slit to design resiliency to the receptacle, col. 1, lines 18-20; Receptacle became weak when if the plug-in-end is pushed or pulled sidewise in the direction of the longitudinal slit possibility of the slit widening to the point of permanent deformation, col. 1, lines 20-26. Thus, the material of Respectable 17 of Ramos is a rigid material; the longitudinal slit is used to help the receptacle 17 to become weak. Examiner gives little weight “for

accommodating a manipulating mean for lifting a hot line grounding set and positioning the clamps on a power line or other conductor”; as the intended use is not treated as imparting patentability to the claim. Ramos teaches a bracket. That bracket is capable of being used for providing a conductive path between power lines as a safety ground. All that being claimed is a bracket; how it is used is not a patentable distinction.

8. Regarding claims 2 and 4, the claimed language in claims 2 and 4 are so broadly recited; that reads on Ramos.

*Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchi Nguyen whose telephone number is (571) 272-2012. The examiner can normally be reached on 8:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Paula Bradley can be reached on (571) 272-2800 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PCN

July 11, 2005

  
P. AUSTIN BRADLEY  
SUPERVISORY PATENT EXAMINER  
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